

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT TROHA and FREDERICK BIGNALL, )  
on behalf of themselves and all others )  
similarly situated, )  
Plaintiffs, )  
v. ) Civil Action No. 05-191 E  
THE UNITED STATES OF AMERICA, )  
Defendant. )

## **JOINT MOTION TO EXTEND CERTAIN FILINGS DEADLINES**

Plaintiffs, Robert Troha and Frederick Bignall, for themselves and all others similarly situated, and Defendant, the United States of America, jointly move for an extension of the following filing deadlines.

(1) The Court's Order concerning class certification of February 21, 2006 (Doc. 16), provides that "Plaintiffs shall identify and join at least one representative plaintiff for each of the subclasses by April 28, 2006." The process of identifying class members (for the purposes of providing individual notice) and identifying additional representative plaintiffs has been more time consuming than the parties had originally estimated. Plaintiffs continue to diligently gather and review the information needed to identify additional representative plaintiffs, but estimates that an additional sixty (60) days is needed to complete this task. Defendant consents to this extension. Accordingly, the parties request that the deadline for Plaintiffs to identify and join at least one representative plaintiff for each of the subclasses be extended to June 30, 2006.

(2) The Court's scheduling Order of December 28, 2005 (Doc. 14) sets certain deadlines for the filing of the parties' pre-trial narratives and for dispositive motions. The parties intend at this time to file cross-motions for summary judgment on the question of liability. However, since this case has been certified as a class action, the parties submit that the filing of such motions should be deferred until after notice is provided to the class and the deadline for class members to opt-out of the class has passed. The parties recently reached agreement regarding the form of notice and process for providing notice to the class. See Joint Motion for Approval of Notice Plan and Form of Notice of Pending Class Action (Doc. 17). Under the notice plan approved by the Court, notice will be provided by mail and publication, with an opt-out deadline of July 25, 2006. Order (Doc. 18); Notice of Pending Class Action Lawsuit (Doc. 19).

Dispositive motions are presently due on May 19, 2006. To allow adequate time for notice to be given to the class for the joinder of additional class representatives prior to the filing of dispositive motions, the parties jointly propose to extend this deadline by 120 days, to September 19, 2006, with responses due 4 weeks later, or by October 17, 2006. In addition, because the parties intend to file cross-motions for summary judgment on the question of liability, the parties jointly propose that the deadline for the filing of pre-trial narratives be stayed pending resolution of those motions.

WHEREFORE, the parties jointly request that the Court issue a scheduling order amending its prior orders and setting the following deadlines:

Plaintiffs shall identify and join at least one representative plaintiff for each of the subclasses by June 30, 2006;

Dispositive motions shall be filed by September 19, 2006;

Responses to dispositive motions shall be filed by October 17, 2006; and,

The deadline for the filing of the parties' pre-trial narratives shall be stayed pending resolution of the parties' dispositive motions.

Dated: April 28, 2006

Respectfully submitted,

s/David A. Cohen  
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